UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,565	08/27/2001	Brian Curtis Rugg	5306.0005	1728

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EXAMINER
REFAI, RAMSEY

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 August 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ^c

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>08/27/2001</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-51 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al

(U. S. Patent No. 6,092,114) in view of Wecker et al (U.S. Patent No. 6,311,058).

4.   As per claim 1, Shaffer et al teach a method for transmitting an image comprising the

steps of:

receiving image data in a first file format at a first server **(column 2, lines 30-42; email**

attachments may be image data);

converting said image data in a second file format, limited to a specified file size

(abstract, lines 7-12);

transferring said image to a second server over a first path **(column 1, lines 28-35,**

column 5, lines 14-18 and column 2, lines 34-42); and

sending said image from said second server to an end-use-device **(column 8, lines 56-60)**

over a second path **(column 4, lines 4-11 and column 5, lines 50-55; wireless**

transmission),said end-use-device not capable of receiving files over said first path **(column 5, lines 50-55; wireless transmission)**, said end-use-device limited to receiving files of a size less than or equal to said specified size **(abstract, lines 7-14 and column 8, lines 52-55; capabilities of client devices specifies)**.

5.   Shaffer et al fail to teach converting image data into a plurality of image files.

6.   However, Wecker et al teach a server that splits the content received from a content provider into pieces such that it confirms to maximum packet size **(column 3,lines 26-32)**. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al and Wecker et al because Wecker et al's use of converting image data into a plurality of image files in Shaffer et al's system would allow for data that exceeds the capabilities of a recipients device to be sent to the device allowing for the device to rejoin these files to recreate the original file.

7.   As per claim 2, Shaffer et al discloses displaying image **(Figure 3, 76,72, and 64; client accesses attachment)** but fail to teach reassembling at said end-use-device said plurality of image files into an end-use-device file and converting said end-use-device file into a file format capable of being displayed on said end-use-device

8.   However Wecker et al teach an unpackager and rejoiner on a mobile device **(Figure 6, 212)** that receives, unpacks and rejoins a group of packets transmitted. Translation components act to reformat and translate the data into appropriate form to be handled by content handler so that a user can view the content on a browser **(column 9, lines 22-45)**. It would have been

obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine

the teachings of Shaffer et al and Wecker et al because Wecker et al's use of converting image

data into a plurality of image files, reassembling images and displaying image in Shaffer et al's

system would allow for data that exceeds the capabilities of a recipients device to be sent to the

device in pieces and allowing for the device to rejoin these files to recreate and display the

original file.

9.   As per claim 3, Shaffer et al teach the step of transferring said image data to said first

server over said first path **(column 2, lines 30-42)**.

10.   As per claim 4, Shaffer et al teach that image data is in said first file format and is

transferred to first server **(column 2, lines 30-42)** from a user computer **(column 1, lines 24-26)**.

11.   As per claim 5, Shaffer et al teach receiving image details and recipient end-use-device

data **(column 4, lines 64-65 and column 6, lines 23-27)**.

12.   As per claim 6, Shaffer et al teach placing said image details **(column 6, lines 23-27)** and

said recipient end-use-device data into image file **(column 4, lines 64-65 and column 6, lines

40-43)**.

13.   As per claim 7, the claim contains similar limitations as claim 2 above and is rejected for

the same reasons as claim 2.

14.   Although Shaffer et al teach displaying images **(Figure 3, 76,72, and 64; client accesses attachment)**, Shaffer et al fail to teach displaying image details. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention that it is well known in the art to display image details along with image. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display image details in Shaffer et al's system along with the image in order to identify the file and file type.

15.   As per claim 8, Shaffer et al teach end-use-device is designated by said recipient end-use-device data **(column 6, lines 30-53)**.

16.   As per claim 9, Shaffer et al fail to teach placing a unique header in each file of said plurality of image files, said unique header indicating the total number of files comprising said plurality of image files, and said unique header also indicating the position of each file of said plurality of image files within said image data.

17.   However, Wecker et al teach a header in each packet. The header can contain packet number, sequence number, and other headers that provide a unique identification of the packet stream that enables a receiver such as a mobile device to assemble packet streams **(column 13 lines 1-15)**. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al and Wecker et al because Wecker et al's use of placing a unique header in each file of plurality of files in Shaffer et al's system would allow for data that exceeds the capabilities of a recipients device to be sent to the device in

pieces and allowing for the device to rejoin these files to recreate and display the original file by using the header of each file to identify the number of files expected and the order of each file.

18.   As per claim 10, Shaffer et al fail to teach reading unique headers from each file of said plurality of image files, said unique headers indicating the total number of files comprising said plurality of image files, and said unique headers also indicating the position of each file of said plurality of image files within said image data; and constructing said end-use-device file by joining said plurality of image files in an order indicated by said unique headers.

19.   However, Wecker et al teach a header in each packet. The header can contain packet number, sequence number, and other headers that provide a unique identification of the packet stream that enables a receiver such as a mobile device to assemble packet streams **(column 13 lines 1-15)**. The unpackager joins all packets and knows how many packets to expect **(column 13, lines 65-67)**. It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Shaffer et al and Wecker et al because Wecker et al's use of placing a unique header in each file of plurality of files in Shaffer et al's system would allow for data that exceeds the capabilities of a recipients device to be sent to the device in pieces and allowing for the device to rejoin these files to recreate and display the original file by using the header of each file to identify the number of files expected and the order of each file

20.   As per claim 11, Shaffer et al teach a specified file size is determined by a maximum file size capable of being received by said end-use-device **(column 4, lines 25-44)**.

21. As per claim 12, Shaffer et al teach a first path is a wireline network **(column 5, lines 50-55)**.

22. As per claim 13, Shaffer et al teach a second path is a wireless network **(column 5, lines 50-55)**.

23. As per claim 14, Shaffer et al teach a second file format comprises the UUencoded format **(column 1, lines 51-53)**.

24. As per claims 15-51, they contain similar limitations as claims 1-14 above, therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

    a.   Daniel (U.S. Patent No. 6,272,549); Method for using electronic mail for exchanging data between computer systems.

    b.   DeJaco et al (U.S. Patent No. 6,745,024); System for preparing and sending an electronic email communication using wireless communications device.

    c.   Kirani et al (U.S. Patent Application No. 2002/0016818); System for optimizing delivery of email attachments for disparate devices.

d.   Beyda et al (U.S. Patent Application No. 2001/0051991); Method for

management of message attachments.

e.   Johnson (U.S. Patent No. 5,892,847); Method for compressing images.
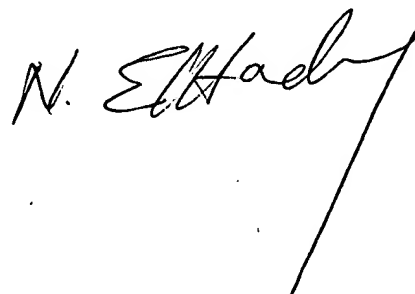
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramsey M Refai whose telephone number is (571) 272-3975.

The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey M Refai
Examiner
Art Unit 2154

RMR
October 31, 2004